

(4) As specifically requested, such additional evidence, information or data relating to whether the contract meets, initially or on a continuing basis, any of the specific requirements of the Act, including the public interest standard contained in Section 5(7) of the Act, or any other requirement for designation under the Act or Commission rules and policies.

[64 FR 29221, June 1, 1999]

APPENDIX B TO PART 5—SCHEDULE OF FEES

(a) Applications for contract market designation. Each application for designation must be accompanied by a check or money order made payable to the Commodity Futures Trading Commission in an amount to be determined annually by the Commission and published in the FEDERAL REGISTER.

(b) Checks and applications should be sent to the attention of the Office of the Secretariat, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street, NW., Washington, DC 20581. No checks or money orders may be accepted by personnel other than those in the Office of the Secretariat.

(c) Failure to submit the fee with an applications for designation as a contract market will result in return of the application. Fees will not be returned after receipt.

(Secs. 4c(c), 5, 5a, and 8a(5) of the Commodity Exchange Act, 7 U.S.C. 6c(c), 7, 7a, and 12a(5); sec. 26 of the Futures Trading Act of 1978, 92 Stat. 877, 7 U.S.C. 16a (Supp. V 1981), as amended by sec. 237 of the Futures Trading Act of 1982, Pub. L. 97-444, 96 Stat. 2326 (Jan. 11, 1983); Independent Offices Appropriation Act of 1952, as amended by Pub. L. 97-258, 96 Stat. 1051 (Sept. 13, 1982))

[48 FR 38217, Aug. 23, 1983, as amended at 51 FR 21150, June 11, 1986; 52 FR 22635, June 15, 1987; 60 FR 49334, Sept. 25, 1995]

APPENDIX C TO PART 5—INTERNAL PROCEDURE REGARDING PERIOD FOR RESPONSE BY EXCHANGES

(a) *Response Period.* The failure of an exchange to provide a substantially complete, substantive response within one year from the date of a written Commission notice of the material incompleteness of an application for contract market designation, or to supplement such an application within one year from the date of a voluntary agreement to do so, will be deemed to constitute the withdrawal of such an application. Such a withdrawal results in forfeiture of the designation application fee and terminates the Commission's statutory review period for that application. The applicable fee for designation applications will be waived for a period of one year from the date of the applica-

tion's withdrawal where the withdrawn designation application, or a substantially identical application, is refiled within that period. A refiled designation application will be treated as a new application in all other respects.

(b) *Pending Applications.* For all applications pending on the effective date of this procedure, requests for a further stay of the tolling period must be made by the governing board of the exchange within forty-five days prior to the expiration of a year from the date of the stay. *Provided however,* That in no event shall such a request be required before April 14, 1987. Such requests for a further stay should affirm the exchange's intention to complete the designation applications for which the stay is being requested. Such requests should be sent to the attention of the Office of the Secretariat, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street, NW., Washington, DC 20581. Those pending applications for which no such request is received will be subject to the procedures contained in paragraph (a) of this appendix.

[52 FR 1446, Jan. 14, 1987, as amended at 60 FR 49334, Sept. 25, 1995]

APPENDIX D TO PART 5—INTERNAL PROCEDURE REGARDING PERIOD FOR PUBLIC COMMENT

The Commission will seek public comment on applications for designation of futures and option contract markets by publishing a notice of availability of the terms and conditions of the proposed contract. Generally, the Commission will provide for a public comment period of thirty days on such applications for designation; *provided, however,* that the public comment period will be fifteen days for those applications submitted for review under the fast-track procedures of §5.1(b) of this part. The Commission, or its delegatee under §140.96 of this chapter, in its discretion, may publish for comment the notice of availability for such longer period as appropriate.

[53 FR 30672, Aug. 15, 1988, as amended at 62 FR 10440, Mar. 7, 1997]

APPENDIX E—INFORMATION THAT A FOREIGN BOARD OF TRADE SHOULD SUBMIT WHEN SEEKING NO-ACTION RELIEF TO OFFER AND SELL, TO PERSONS LOCATED IN THE UNITED STATES, A FUTURES CONTRACT ON A FOREIGN SECURITIES INDEX TRADED ON THAT FOREIGN BOARD OF TRADE

A foreign board of trade seeking no-action relief to offer and to sell, to persons located in the U.S., a futures contract on a foreign securities index traded on that foreign board